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C O N F I D E N T I A L SECTION 01 OF 02 ANKARA 000306

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E.O. 12958: DECL: 11/02/2017

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SUBJECT: TURKEY'S INTERNET REGULATION AT A CROSSROADS

REF: A. ANKARA 171

[1](#)B. ANKARA 151

Classified By: Political Counselor Janice G. Weiner, reasons 1.4 (b),(d)
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[1](#)1. (C) Summary: An ongoing struggle between Google and Turkey's Telecommunications Authority (TTA) highlights the difficult issues Turkey is grappling with as it attempts to harness the positive aspects of the Internet while limiting harmful content. Google, which owns the popular video-sharing site "YouTube", maintains Turkish law requires all service providers register with the TTA in a manner that forces the company to cede regulatory control over content to the TTA. Google refused to meet an initial January 24 registration deadline. The TTA extended the deadline to April 24, warning the TTA would block Google and YouTube if Google again fails to register. Additional YouTube bans are possible (ref A) as the TTA attempts to assert its authority. Google plans a public speech in Turkey in late March and a vigorous PR campaign if the TTA bans the sites. A ban of Google, the world's most popular search engine, would damage Turkey's image and hurt Turkey's own citizens. It could hamper Turkey's efforts to attract foreign direct investment and put another obstacle in Turkey's EU accession path. End summary.

Turkey Grapples With How to Regulate the Internet

[1](#)2. (SBU) Professor John Palfrey, head of Harvard Law School's Berkman Center "OpenNet Initiative", told us during a February 5-7 visit Turkey is grappling with how to deal with "the web 2.0", an Internet era in which users around the world contribute content through weblogs, file-sharing, and video-sharing. Palfrey, a leading Internet monitoring expert, said Turkey faces a simple question: Will it continue to have a mostly free and open Internet, or will it join the two dozen states around the world that filter the content their citizens see?

[1](#)3. (SBU) Palfrey outlined three troublesome issues under the regulatory scheme created by Turkey's May 2007 Internet Law 5651 (ref B). First, the law gives very broad regulatory authority to one independent body -- the TTA -- and Turkish courts; the TTA could easily abuse such broad authority. Second, the TTA is filtering content by blocking entire domains, such as YouTube, instead of a single web address (known as a Uniform Resource Locator, or URL), such as a

particular YouTube video. Palfrey said this technique is favored by Middle Eastern and North African governments for its low cost. Third, all Internet services, such as Google, Microsoft, and Yahoo, must register with the TTA so that it can monitor and filter content on the companies' sites. If the TTA finds illegal content on a site before a company registers, it will block the entire site instead of notifying the company of URLs for the allegedly offending pages and will maintain the block until either the company or the TTA removes the content. Western countries, in contrast, implement a "notice-and-takedown" system that does not require multinational companies to cede control of their sites to foreign governments, Palfrey said.

Google Locks Horns With Turkish Officials

¶4. (SBU) Google has so far refused to register because it would require the company to cede its monitoring authority to the TTA, according to Google's European Policy Manager Patricia Moll. This would in effect allow the TTA to censor Google or YouTube pages not just in Turkey but worldwide -- a gross violation of Google's U.S. sovereignty, Moll said. She maintained that Google stands ready to implement Turkish court decisions and pull offensive URL's, but would pull out of a country before signing over such broad regulatory authority.

¶5. (SBU) Moll said the TTA pressured Google to register by the initial January 24 registration deadline by announcing that Google was the only company that had not registered. Google quickly verified with companies such as Microsoft and Yahoo that the TTA had not informed them of the registration

ANKARA 00000306 002 OF 002

requirement. When the deadline passed, the TTA granted Google a 3-month extension, warning it would block Google and YouTube if Google fails to register by April 24. Moll told us Google views the TTA's actions as a violation of due process, and will not comply. If pushed, Google will wage a public relations battle, she said. In the meantime, Google is lobbying Turkish MPs, businesses, and NGOs; Moll plans to deliver a public speech in Turkey in late March but has not yet chosen a venue.

¶6. (SBU) Ihsan Durdu, a senior Transportation Ministry advisor with jurisdiction over telecommunications, told us the registration requirement is an important part of an Internet monitoring scheme designed to remove criminal or offensive content. Durdu acknowledged he does not know how the Google issue will play out, adding, "Turkish officials are navigating in unknown territory." The TTA's Internet Department Head Osman Nihat Sen told us he expects Google to provide the signed registration document by April 24. Osman said the TTA has not decided whether to block Google and YouTube if Google again fails to register.

Turkey's Choice: Freedom or Control?

¶7. (SBU) Palfrey believes Google's problems are signs the era of an Internet largely free of government control in Turkey could be coming to an end. During his visit, he told Turkish officials that banning entire services for the many because of the acts of the few would stifle innovation and creativity. He also noted governments that have erected extensive online censorship and surveillance regimes have found them hard to implement accurately or fairly. For Palfrey, the chilling effect on citizens who rely on the digital world for their livelihood and key aspects of their culture is a high price to pay for control. He told Turkish officials the choices they make now would be felt over decades and generations.

¶8. (C) Comment: The current Google-YouTube issue is a high-profile example of Turkey's dilemma over how to regulate

the Internet. As the April 24 registration deadline approaches, both the TTA and Google are likely to dig in their heels for an acrimonious stand-off. The TTA may ultimately bow to political pressure resulting from Google's and other tech companies' lobbying. TAA insistence on blocking Google and YouTube would not only deprive Turkish citizens of access to the sites, it could hamper Turkey's efforts to attract foreign direct investment and harm Turkey's EU accession prospects. End comment.

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